

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0551-AIR-E TCEQ ID: RN100825249 CASE NO.: 35667
RESPONDENT NAME: Chevron Phillips Chemical Corporation LP

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Chevron Phillips Chemical Sweeny Complex, 21689 Highway 35, Old Ocean, Brazoria County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-0286-AIR-E and 2006-1821-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 22, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Jennifer Ashcraft, Environmental Team Leader, Chevron Phillips Chemical Corporation LP, P.O. Box 1000, Sweeny, Texas 77480 Ms. Charleen Dickson, Plant Manager, Chevron Phillips Chemical Corporation LP, P.O. Box 1000, Sweeny, Texas 77480 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 18, 2007</p> <p>Date of NOV/NOE Relating to this Case: March 24, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to comply with permitted emissions limits and failure to maintain a flame present at all times on a flare. Specifically, the emissions limit for emissions events under a flexible permit is zero pounds ("lbs") per hour, and on November 25, 2007, Flare 4 (Emissions Point Number 56-61-4) in Unit 18 emitted 3 lbs of nitrogen oxides, 20 lbs of carbon monoxide, and 851 lbs of volatile organic compounds over a 1.3 hour period. Because this event could have been avoided by better maintenance practices, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20 (1) and (3), New Source Review Flexible Air Permit No. 22690/PSD-TX-751M1, Special Condition Nos. 1 and 15, 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$7,000</p> <p>Total Deferred: \$1,400 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$5,600</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. By November 26, 2007, cleaned the flow valve, replaced relays, and initiated increased oversight over proper flow valve operation;</p> <p>b. Scheduled replacement of the type of valve positioner and the valve on the flow line during the next unit turnaround; and</p> <p>c. By November 26, 2007, installed a new transducer in the steam valve's positioner.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order, in order to address the malfunctioning of the flow line valve that led to the emissions event on November 25, 2007, complete replacement of the type of valve positioner and the valve; and</p> <p>b. Within 190 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): BL0758C



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

TCEQ

DATES

Assigned

31-Mar-2008

PCW

14-Apr-2008

Screening

2-Apr-2008

EPA Due

2-Feb-2009

RESPONDENT/FACILITY INFORMATION

Respondent Chevron Phillips Chemical Corporation LP

Reg. Ent. Ref. No. RN100825249

Facility/Site Region 12-Houston

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 35667

Docket No. 2008-0551-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 1

Order Type 1660

Enf. Coordinator Terry Murphy

EC's Team Enforcement Team 4

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

180% Enhancement

Subtotals 2, 3, & 7 \$4,500

Notes

The penalty was enhanced by 15 NOVs for same or similar violations, two NOVs for dissimilar violations, one findings order, and four 1660-style orders. The penalty was reduced by two NOAs and one DOV.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV

NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$365

Approx. Cost of Compliance \$4,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$7,000

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$7,000

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$7,000

DEFERRAL

20%

Reduction

Adjustment -\$1,400

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$5,600

Screening Date 2-Apr-2008

Docket No. 2008-0551-AIR-E

PCW

Respondent Chevron Phillips Chemical Corporation LP

Policy Revision 2 (September 2002)

Case ID No. 35667

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100825249

Media [Statute] Air

Enf. Coordinator Terry Murphy

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	15	75%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 180%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty was enhanced by 15 NOVs for same or similar violations, two NOVs for dissimilar violations, one findings order, and four 1660-style orders. The penalty was reduced by two NOAs and one DOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 180%

Screening Date 2-Apr-2008		Docket No. 2008-0551-AIR-E		PCW	
Respondent Chevron Phillips Chemical Corporation LP		Policy Revision 2 (September 2002)			
Case ID No. 35667		PCW Revision February 29, 2008			
Reg. Ent. Reference No. RN100825249					
Media [Statute] Air					
Enf. Coordinator Terry Murphy					
Violation Number		<input type="text" value="1"/>			
Rule Cite(s)		30 Tex. Admin. Code §§ 116.715(a) and 101.20(1) and (3), New Source Review Flexible Air Permit No. 22690/PSD-TX-751M1, Special Condition Nos. 1 and 15, 40 Code of Federal Regulations § 60.18(c)(2), and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to comply with permitted emissions limits and failed to maintain a flame present at all times on a flare, as documented during an investigation conducted on December 18, 2007. Specifically, the emissions limit for emissions events under a flexible permit is zero pounds (lbs) per hour, and on November 25, 2007, Flare 4 (EPN 56-61-4) in Unit 18 emitted 3 lbs of nitrogen oxides, 20 lbs of carbon monoxide, and 851 lbs of volatile organic compounds over a 1.3 hour period. Because this event could have been avoided by better maintenance practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).			
Base Penalty					<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="25%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes		Human health or the environment were exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.			
Adjustment					<input type="text" value="\$7,500"/>
					<input type="text" value="\$2,500"/>
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days <input type="text" value="1"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>		
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
One quarterly event is recommended.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$365"/>			Violation Final Penalty Total <input type="text" value="\$7,000"/>		
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$7,000"/>		

Economic Benefit Worksheet**Respondent** Chevron Phillips Chemical Corporation LP**Case ID No.** 35667**Reg. Ent. Reference No.** RN100825249**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$4,000	25-Nov-2007	15-Mar-2009	1.3	\$17	\$348	\$365
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to improve maintenance procedures and replace the faulty components with new and/or improved components. The Date Required is the date of the event, and the Final Date is the date all improvements are expected to be completed.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$4,000

TOTAL

\$365

Compliance History

Customer/Respondent/Owner-Operator:	CN600303614	CHEVRON PHILLIPS CHEMICAL COMPANY LP	Classification: AVERAGE	Rating: 3.03																																										
Regulated Entity:	RN100825249	CHEVRON PHILLIPS CHEMICAL SWEENEY COMPLEX	Classification: AVERAGE	Site Rating: 2.10																																										
ID Number(s):	<table border="0"> <tr> <td>AIR OPERATING PERMITS</td> <td>ACCOUNT NUMBER</td> <td>BL0758C</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>2151</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>52061</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4803900145</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>75473</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>75479</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>75447</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>BL0758C</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>75072</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>22690</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>75059</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>50960</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXR000039834</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>86586</td> </tr> </table>				AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0758C	AIR OPERATING PERMITS	PERMIT	2151	AIR OPERATING PERMITS	PERMIT	52061	AIR NEW SOURCE PERMITS	AFS NUM	4803900145	AIR NEW SOURCE PERMITS	REGISTRATION	75473	AIR NEW SOURCE PERMITS	REGISTRATION	75479	AIR NEW SOURCE PERMITS	REGISTRATION	75447	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0758C	AIR NEW SOURCE PERMITS	REGISTRATION	75072	AIR NEW SOURCE PERMITS	PERMIT	22690	AIR NEW SOURCE PERMITS	REGISTRATION	75059	AIR NEW SOURCE PERMITS	REGISTRATION	50960	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000039834	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	86586
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Location:	21689 HIGHWAY 35, OLD OCEAN, TX, 77463		Rating Date: 9/1/2007 Repeat Violator: NO																																											
TCEQ Region:	REGION 12 - HOUSTON																																													
Date Compliance History Prepared:	April 02, 2008																																													
Agency Decision Requiring Compliance History:	Enforcement																																													
Compliance Period:	April 02, 2003 to April 02, 2008																																													
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History																																														
Name:	Terry Murphy	Phone:	(512) 239-5025																																											

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/14/2006	Admin. Order 2005-1709-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov: No. 22690 and and PSD-TX-751M1 SC. #1 PA	
Description: Failed to prevent unauthorized emissions during an avoidable emissions event that occurred on February 28, 2005.	

Effective Date: 02/05/2007	Admin. Order 2006-0904-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov: TCEQ Flexible Permit #22690, SC#1 PERMIT	
Description: Failure to prevent unauthorized emissions during an April 15, 2006 emissions event.	

Effective Date: 12/20/2007	Admin. Order 2006-0093-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov: Special Condition 1 PERMIT	
Description: failed to prevent the unauthorized release of air contaminants into the atmosphere.	

Effective Date: 01/12/2008	Admin. Order 2006-0675-AIR-E
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Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)
5C THC Chapter 382, SubChapter D 382.085(b)

Description:

Failed to complete CEMS required testing and report submission within 60 days.

Effective Date: 02/25/2008

Admin. Order 2007-1419-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 22690, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions as documented during a record review conducted on July 19, 2007. Specifically, 3,422 pounds ("lbs") of ethylene was released when the Chevron Phillips failed to close an open bleeder valve, resulting in an emissions event, as documented during a record review investigation.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Chevron failed to submit a final emissions event report within two weeks after the end of the event. The report was due on May 29, 2007, but was not submitted until May 30, 2007.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/03/2003	(25138)	42	10/31/2005	(434581)	85	07/07/2006	(483754)
			43	12/05/2005	(434398)	86	07/20/2006	(486881)
2	05/27/2003	(282800)	44	12/05/2005	(433634)	87	08/04/2006	(487670)
			45	12/05/2005	(434458)	88	08/24/2006	(480002)
3	07/26/2003	(61715)	46	01/17/2006	(450657)	89	09/28/2006	(511672)
4	07/26/2003	(61716)	47	01/19/2006	(449735)	90	10/19/2006	(511690)
5	07/31/2003	(12829)	48	01/20/2006	(434431)	91	12/13/2006	(518692)
6	08/27/2003	(152358)	49	01/25/2006	(438519)	92	12/13/2006	(519123)
7	10/08/2003	(248868)	50	01/30/2006	(451420)	93	01/03/2007	(518929)
8	10/22/2003	(250248)	51	01/30/2006	(451165)	94	01/09/2007	(533451)
9	11/13/2003	(254712)	52	01/30/2006	(451081)	95	01/10/2007	(535946)
10	01/12/2004	(259447)	53	01/30/2006	(449589)	96	01/11/2007	(534901)
11	05/05/2004	(265440)	54	01/30/2006	(450728)	97	02/05/2007	(538166)
12	06/30/2004	(275987)	55	02/03/2006	(452920)	98	02/06/2007	(512451)
13	06/30/2004	(276008)	56	02/08/2006	(451286)	99	02/14/2007	(535930)
14	07/12/2004	(258432)	57	02/16/2006	(434647)	100	02/14/2007	(536814)
15	08/23/2004	(259527)	58	02/16/2006	(452146)	101	02/28/2007	(539690)
16	08/31/2004	(275640)	59	02/23/2006	(451616)	102	04/20/2007	(539694)
17	08/31/2004	(275727)	60	02/23/2006	(455308)	103	05/16/2007	(559164)
18	08/31/2004	(275582)	61	02/24/2006	(455128)	104	05/16/2007	(555914)
19	10/29/2004	(293172)	62	02/24/2006	(449980)	105	05/21/2007	(560418)
20	11/14/2004	(273790)	63	02/28/2006	(456109)	106	05/25/2007	(561001)
21	12/13/2004	(335760)	64	03/14/2006	(435096)	107	05/31/2007	(560629)
22	12/13/2004	(339619)	65	03/23/2006	(439922)	108	06/08/2007	(555170)
23	12/13/2004	(335727)	66	03/23/2006	(456133)	109	06/15/2007	(561008)
24	12/14/2004	(339248)	67	03/27/2006	(381420)	110	07/26/2007	(563100)
25	01/07/2005	(289178)	68	04/06/2006	(456117)	111	08/17/2007	(568455)
26	01/07/2005	(339259)	69	04/06/2006	(456167)	112	08/24/2007	(532612)
27	01/07/2005	(289620)	70	04/17/2006	(437247)	113	09/14/2007	(571669)
28	01/07/2005	(289641)	71	04/20/2006	(462475)	114	10/11/2007	(567347)
29	02/21/2005	(345241)	72	05/12/2006	(457773)	115	10/15/2007	(593848)
30	02/21/2005	(345242)	73	05/12/2006	(457763)	116	10/25/2007	(595189)
31	02/21/2005	(345244)	74	05/12/2006	(457767)	117	01/25/2008	(615884)
32	03/31/2005	(374023)	75	05/12/2006	(457729)	118	01/28/2008	(614877)
33	04/27/2005	(378280)	76	05/12/2006	(457714)	119	01/28/2008	(613165)
34	05/19/2005	(378004)	77	05/12/2006	(457770)	120	01/29/2008	(613651)
35	05/25/2005	(379870)	78	05/12/2006	(457753)	121	01/30/2008	(616327)
36	07/26/2005	(401365)	79	05/15/2006	(457756)	122	03/13/2008	(638830)
37	08/02/2005	(402542)	80	05/17/2006	(458185)	123	03/24/2008	(613029)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 115, SubChapter B 115.142(1)(A) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136(e)(1)(i)		
Rqmt Prov:	PA 22690, and PSD-TX-751M1, SC 3C		
Description:	CPCC failed to equip process drain nos. 84, 89, 93,95, 100, 112, 624, 1527, with required water seal controls or a tightly sealed cap of plug (each drain found to be emitting volatile organic compound (VOC) in excess of 500 ppm)		
Date:	07/12/2004 (258432)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT TCEQ AIR PERMIT #22690, SC #1		
Description:	Exceeded VOC permit limits during an avoidable emissions event.		
Date:	08/23/2004 (259527)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PA Flexible Permit No. 22690, SC 1		
Description:	Exceeded permit limits during an avoidable emissions event.		
Date:	11/14/2004 (273790)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Flex Air Permit #22690, SC #1		
Description:	Exceeded VOC permit limit during an avoidable emissions event.		
Date:	09/28/2005 (405189)		
Self Report?	YES	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.211(b)(9)		
Description:	Failure to identify in the final record of a scheduled maintenance, startup, or shutdown activity with unauthorized emissions, the preconstruction authorization number governing the facility involved in the scheduled maintenance, startup, or shutdown activity.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT Special Condition 1		
Description:	Failure to comply with any and all general and special conditions contained in a flexible permit: unauthorized emissions.		
Date:	01/25/2006 (438519)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Flexible Permit #22690, SC #1		
Description:	Chevron failed to prevent contact with the remote electrical control panel, resulting in unauthorized emissions.		
Date:	02/14/2006 (452146)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Permit # 22690, Special Condition 1		
Description:	Failure to prevent unauthorized emissions.		
Date:	04/07/2006 (456117)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Flexible Permit #22690		
Description:	Chevron failed to properly maintain the primary and secondary vacuum condensate pumps, resulting in unauthorized emissions.		
Date:	05/16/2006 (486731)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)		
Description:	Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 1 (EPN 22-36-1.)		
Self Report?	NO	Classification:	Moderate

38 08/22/2005	(405938)	81 05/22/2006	(464707)	124 03/28/2008	(639042)
39 08/26/2005	(397897)	82 05/23/2006	(466215)		
40 08/30/2005	(398784)	83 06/14/2006	(466748)		
41 09/28/2005	(405189)	84 07/06/2006	(457725)		

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/31/2003 (12829)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: CPC failed to record the daily flare observation. For year 2003, Unit 33 flare had no records of observation on a number of days: 6 days (February); 1 day (March), and 3 days (April). The records were below 98% of the required observations.

Date: 10/08/2003 (248868)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)

Rqmt Prov: PERMIT 22690, General Condition No. 8

Description: Failure to meet the demonstrations criteria for an emissions event resulting in a violation of the MAERT of TCEQ Air Permit No. 22690.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)

Rqmt Prov: PERMIT 22690 General Condition No. 8

Description: Failure to meet the demonstrations criteria for an emissions event resulting in a violation of MAERT limits of TCEQ Air Permit No. 22690.

Date: 10/22/2003 (250248)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: Failed to close an electrically operated transfer valve during preventative maintenance on unit 33 furance # 3 (33-36-3), resulting in unauthorized emissions.

Date: 05/06/2004 (265440)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PA 22690 and PSD-TX-751M1, SC14E

Description: Chevron Phillips Chemical Company, (CPCC) failed to cap or plug valve nos., 16, and 425 in unit 24.1, Debutanized Aromatic Concentrate, (DAC) Hydrotreater. All valves are in VOC service and without the required cap or plug.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Rqmt Prov: PA 22690, and PSD-TX-751M1, SC 14H

Description: During the record review, it was discovered that in 2000, CPCC failed to make attempt repair on leaky valves with tag nos 1522, 4956, 4377, 4469, 5030, 5270, 1670. Also, in 2001 attempt repairs were not made on valve nos. 678, 02893, and 4560.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

Description: During the record review, it was discovered that in 2000, CPCC failed to make first attempt repair on the leaky valves with tag nos 1522, 4956, 4377, 4469, 5030, 5270, 1670. Also, in 2001 first attempt repairs were not made on valve nos. 678, 02893, and 4560.

Self Report? NO

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)

Rqmt Prov: PA 22690, and PSD-TX-751M1, SC 114H

Description: It was discovered that in 2000, CPCC failed to make attempt at repair on leaky valves with tag nos 1522, 4956, 4377, 4469, 5030, 5270, 1670. Also, in 2001, attempt repairs were not made on valve nos. 678, 02893, and 4560 within 15 days before these valves were placed on unit Shutdown list.

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)
 Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 2 (EPN 22-36-2.)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)
 Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 3 (EPN 22-36-3.)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)
 Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 4 (EPN 22-36-4.)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)
 Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 6 (EPN 22-36-6.)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)
 Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 7 (EPN 22-36-7.)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)
 Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 8 (EPN 22-36-8.)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)
 Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of the Turbine Bypass Stack (EPN 22-95-27.)
 Self Report? NO Classification: Moderate

Date: 12/13/2006 (519123)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT TCEQ Flexible Permit No. 22690, SC #1
 Description: Chevron failed to prevent a leak in a decoke process line of Ethylene Unit's 24's cracking furnace #6.
 Date: 01/10/2007 (534901)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT TCEQ Flexible Permit No. 22690, SC #1
 PERMIT TCEQ Flexible Permit No. 22690, SC #15
 Description: Chevron failed to maintain a flame on Unit 18 Process flare which resulted in unauthorized emissions.
 Date: 04/19/2007 (539694)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA 22690 SC. 1
 Description: RE failed to prevent unauthorized emissions from Unit 24.
 Date: 06/15/2007 (561008)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT TCEQ Air Flexible Permit No. 22690, SC#1
 Description: Chevron failed to prevent mineral deposits from fouling on the valve stems causing a release of unauthorized emissions.
 Date: 10/23/2007 (571738)
 Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA TCEQ AIR PERMIT #22690, SC#15
 Description: Chevron Phillips Chemical Company - Sweeny Plant failed to control the visible emissions from Unit 24 - Flare 14 and Unit 22 Flare - 12.

F. Environmental audits.

Notice of Intent Date: 10/09/2002 (33085)

Disclosure Date: 04/21/2003
Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to identify in the Total Annual Benzene ("TAB") report each point of waste generation, hydrocarbon phase benzene, and flow-weighted concentration data

Viol. Classification: Major
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to control the annual benzene emissions from Unit No. 24, oily water sump, for calendar year 2002

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to equip vacuum boxes and roll-off boxes with submerged fill pipes with openings within two pipe diameters of the container bottom

Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to maintain records to demonstrate that annual no detectable emissions monitoring had been performed

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to install flow indicators on four junction boxes for Unit 10ABC

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to perform 4th quarter visual inspections for Unit No. 24 for calendar year 2002

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to make first attempts to repair flow meters, water seals on the process drains, and seals on the junction boxes after the June 20, 2001 visual inspection for Unit Nos. 10ABC and 24

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to control organic emissions and replace carbon canisters immediately when breakthrough is detected for each Carbon Absorption System ("CAS") for Unit No. 33

Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to maintain design documentation for drain hub water seals, junction box and sump water seals, and flow indicators

Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to maintain corrective action records for flow indicators

Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to maintain CAS monitoring and carbon replacement time records

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.01(a)
Description: Failure to submit a complete annual corrective actions summary report for calendar year 2002

Notice of Intent Date: 12/14/2006 (536537)
No DOV Associated

Notice of Intent Date: 08/15/2007 (594191)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEVRON PHILLIPS CHEMICAL
CORPORATION LP
RN100825249**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0551-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron Phillips Chemical Corporation LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 21689 Highway 35 in Old Ocean, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 29, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Dollars (\$7,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Six Hundred Dollars (\$5,600) of the administrative penalty and One Thousand Four

Hundred Dollars (\$1,400) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By November 26, 2007, cleaned the flow valve, replaced relays, and initiated increased oversight over proper flow valve operation;
 - b. Scheduled replacement of the type of valve positioner and the valve on the flow line during the next unit turnaround; and
 - c. By November 26, 2007, installed a new transducer in the steam valve's positioner.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with permitted emissions limits and failed to maintain a flame present at all times on a flare, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20 (1) and (3), New Source Review Flexible Air Permit No. 22690/PSD-TX-751M1, Special Condition Nos. 1 and 15, 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 18, 2007. Specifically, the emissions limit for emissions events under a flexible permit is zero pounds ("lbs") per hour, and on November 25, 2007, Flare 4 (Emissions Point Number 56-61-4) in Unit 18 emitted 3 lbs of nitrogen oxides, 20 lbs of carbon monoxide, and 851 lbs of volatile organic compounds over a 1.3 hour period. Because this event could have been avoided by better maintenance practices, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Corporation LP, Docket No. 2008-0551-AIR-E " to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, in order to address the malfunctioning of the flow line valve that led to the emissions event on November 25, 2007, complete replacement of the type of valve positioner and the valve; and
 - b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director


8/25/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

7/9/08
Date

Charleen Dickson

Name (Printed or typed)
Authorized Representative of
Chevron Phillips Chemical Corporation LP

Plant Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

